

**Decision Notice  
and Finding of No Significant Impact  
Horse Creek Watershed Improvement Project  
Environmental Assessment  
USDA Forest Service  
Wind River Ranger District, Shoshone National Forest  
Fremont County, Wyoming**

**Decision and Reasons for the Decision**

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**Background**

The Horse Creek Watershed Improvement Project environmental assessment (EA) discloses the environmental effects of decommissioning roads and primitive routes, converting portions of open roads to trails, enforcing a seasonal closure with a gate, and addressing trailhead access in the Horse Creek watershed. The Shoshone National Forest is initiating this proposal as part of implementing the Shoshone Land and Resource Management Plan (Forest Plan).

The proposed activities would occur in the Horse Creek drainage, approximately 15 miles North of Dubois in Fremont County, Wyoming.

**Purpose for Action**

The EA discusses several opportunities that promote a road system that is safe and responsive to management needs, has reduced ecological effects on the land, and is in balance with available funding.

Based on review of the site-specific conditions and needs (EA section 1.4), I chose to focus on the following management direction from the Forest Plan and other directives.

- Maintain or improve soil productivity and water quality.
- Rehabilitate lands in declining and unsatisfactory watershed condition
- Maintain soil productivity, minimize human-caused soil erosion, and maintain the integrity of associated ecosystems.
- Develop a transportation system that meets land and resource management needs at the lowest cost and least disturbance to the environment.
- Provide permanent drainage and establish protective vegetative cover on all existing roads that are being removed from the transportation system.
- Close all newly constructed roads to public motorized use unless documented analysis shows:
  - a) use does not adversely impact other resources, b) use is compatible with the Recreation Opportunity Spectrum (ROS) class established, c) they are located in areas open to motorized use, d) they provide user safety, e) they serve an identified public need, f) the area accessed can be adequately managed, or g) financing is available for maintenance or coop-maintenance can be arranged.
- Keep existing roads open to public motorized use unless: a) Financing is not available to maintain the facility or manage the associated use of adjacent lands, b) use causes unacceptable damage to soil and water resources, c) use conflicts with the ROS class established for the area, d) they are located in areas closed to motorized use and are not “designated routes” in the Forest travel management direction, e) use results in unsafe

conditions unrelated to weather conditions, f) there is little or no public need for them; or f) use conflicts with wildlife management objectives.

- Provide adequate trails and trailheads for both motorized and non-motorized use in both winter and summer seasons.

In summary, the purpose and need for action is to enhance watershed and soil resources by decommissioning unnecessary roads. Other Forest Plan direction, such as cultural resource management, would be met through the implementation of standards and guidelines.

## Decision

Based on my review of all the alternatives, I have decided to implement **Alternative 3** with some minor modifications. Those modifications are 1) no action will be taken concerning the 810 and 811 trailhead relocation and associated road work, 2) the 692 road (located on the west side of Burnt Timber Lake) will be decommissioned, and 3) the 686 road will remain open from its junction with the 692 road up to the old clear-cut (a distance of about 2.5 miles).

Project activities associated with this decision include:

- ❖ Adding primitive route 506.1AA to the road system as an open road.
- ❖ Not changing the status of four roads (FSRs 504.1A, 507, 512, and 696.1AA) that are currently open.
- ❖ Decommissioning/obliterating 12.3 miles of primitive routes and 11.1 miles of closed roads.
- ❖ Gating FSR 506 at its junction with FSR 506.1A and at its junction with FSR 505 in order to better enforce the existing winter range closure.

Additional information on Alternative 3 is found in Section 2.2.3 of the EA.

## Other Alternatives Considered

In addition to the selected alternative, I considered one other action alternative. A comparison of these alternatives can be found in the EA (section 2.3). A number of alternatives were also considered but eliminated from detailed study (EA, section 2.1).

### *Alternative 1 – No Action*

Under the No Action Alternative, current management and regulations related to the transportation system would continue. Specifically, the no action alternative would involve the following:

- Of the existing 83.3 miles of road:
  - The 51.8 miles of currently open road would remain open.
  - The 18.9 miles of closed road would remain closed to motorized use.
  - The 12.6 miles of primitive routes would remain closed to motorized use.
- Ineffective closures could be improved as needed through regular road management procedures. Site treatments could include installing adequate drainage and other measures to prohibit motorized use.
- The 810 and 811 trailheads would not be relocated or improved.
- Enforcement of travel restrictions (seasonal and permanent closures) would continue.

### *Alternative 2*

Alternative 2 is the proposed action. The focus is on enhancing watershed and soil resources by decommissioning unnecessary roads, as determined through the roads analysis process. Project activities associated with the proposed action would include the following:

- The designated road system would consist of 45.1 miles of open road and 7.8 miles of closed system.
- Open roads would remain subject to seasonal closures. The closed roads would remain on the system for future resource management and access needs.
- Decommission/obliterate 12.6 miles of primitive routes, 11.1 miles of closed road, and 2.4 miles of currently open road (FSRs 504.1A, and 692). Techniques would include a combination of methods to prohibit motorized use, restore natural drainage patterns, remove fills, and revegetate the roadbed. Specific techniques would include waterbarring, recontouring, soil ripping, and placing woody debris on the roadbed.
- Convert 2.2 miles of FSR 512 (currently open road) into a motorized trail.
- Convert 2.1 miles of FSR 507 (currently open road) into a non-motorized trail.
- Gate FSR 506 at its junction with FSR 506.1A and at its junction with FSR 505 in order to better enforce the existing winter range closure.
- Relocate the northern trailhead for Trail 810. The trail would be moved south 2.1 miles along FSR 507. The northern 2.1 miles of FSR 507 would become part of Trail 810. The remaining portion of FSR 507 would be resurfaced with gravel from its intersection with FSR 285 northward to the new trailhead in order to provide better access during wet periods.
- The 811 trailhead would remain near its present location and would be enlarged to accommodate parking and turn around for vehicles with horse trailers. FSR 504 would be resurfaced with gravel from the 504/510-intersection northward to the 811 trailhead in order to provide increased accessibility during wet periods.
- The trailhead facilities would include parking areas, turnaround areas, and livestock hitching rails.
- Effectiveness monitoring of the decommissioning work would be conducted after implementation.
- Road closures would be signed and enforced as needed.

### *Alternative 3*

Under alternative 3, no currently open roads would be decommissioned and primitive route 506.1AA would be designated as an open road (0.3 miles). This alternative preserves the current legal public access level by maintaining currently open roads on the transportation system. Only closed roads and primitive routes (except 506.1AA) would be decommissioned. This alternative removes the 810-trailhead and trail from the trail system.

Project activities associated with this alternative are the same as Alternative 2 except for the following:

- The Forest road system would consist of 52.1 miles of open road and 7.8 miles of closed road.
- Primitive route 506.1AA would be added to the road system as an open road.
- Currently open roads (FSRs 504.1A, 507, 512, 692, and 696.1AA) would not be decommissioned or converted to trails; these roads would remain as open system roads.
- Decommission/obliterate 12.3 miles of primitive routes and 11.1 miles of closed roads.
- Backcountry access would be provided by the 811-trailhead. The trailhead would be enlarged and improved. FSR 504 would be resurfaced with gravel as described in Alternative 2.
- Trailhead and trail 810 would be removed from the trail system.

### **Rationale for the Decision**

When compared to the other alternatives, Alternative 3 (with the modifications) does the best job of responding to the purpose for action and the key issues. The main purpose of this project is to implement goals and objectives from the Forest Plan.

I decided to make the modifications because 1) the trailhead and associated road work projects are a low priority given the limited recreation funding and I did not want to make a decision on an action that might not happen for 3-5 years hence, 2) there is no reason to have two roads (692 and 692.B) that lead to the same point and are so close together – the 692 road is overgrown and rarely traveled because the “B” spur is in much better shape, and 3) showing the 686 road as closed (Figure 8) was in error because it is shown as open on the Forest’s recreation map and there has not been any previous attempts to close it.

I find it important that the primitive roads are addressed since they were never sanctioned for construction and as such have no drainage structures or consideration for slope or location on the landscape. This leads to multiple resource impacts that must be addressed. I feel it is equally important to keep closed roads closed. The frequent violations can and has led to resource damage if they go unchecked and as shown in the EA, any funding that has to be directed towards fixing the damage reduces a very limited road budget and will directly influence the ability to maintain the open roads on the District. I am aware of the desire of many of the public to use the existing road system for access and enjoyment of the Forest. That is why I felt it was important not to greatly change the amount and extent of legal access the public currently enjoys in the area.

## **Public Involvement**

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On December 21, 2001, a scoping letter describing the project proposal was sent to 61 individuals, media, groups, private land owners, organizations, Native American Tribes, and agencies to notify them of the proposal and to request their comments and concerns. The Forest also issued a news release on December 21, 2001 to newspapers in Dubois, Lander, Riverton, and Cody, Wyoming. The Forest sent the scoping statement to 15 additional parties on March 21, 2002.

### **County Commissioners Public Meeting**

At the request of the Fremont County Commissioners, Forest Service representatives attended a County Commissioner’s public meeting on January 15, 2002 to discuss the proposal. The commissioners provided an opportunity for the public to ask questions regarding the proposal. Reporters from the *Casper Star-Tribune* and *Billings Gazette* covered the meeting.

### **Project Update Statements**

The Forest issued a news release on April 1, 2002 to the local papers in Dubois, Lander, Riverton, and Cody, Wyoming in order to provide an update on the project status. The Forest also sent a project update statement to 67 interested parties to update them of the project’s status on June 7, 2002.

### **Public Field Trip**

On August 30, 2002, the Forest issued a public field trip notice to 40 interested parties to inform them that we would conduct a public field trip on September 14, 2002 to discuss the project. The Forest also announced the field trip in a news release on August 30, 2002. The sign-in sheet indicates that at least 33 people attended the field trip. Also, the *Dubois Frontier* ran an article discussing the field trip.

## **Pre-decisional EA**

The pre-decisional ea was released on Jan. 29, 2004. It was mailed to 80 groups, individuals, landowners, tribes, and government agencies. We received comments from 20 different groups, individuals, landowners, and government agencies.

## **Key Issues**

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Key issues identified are described below. Additional information can be found in section 1.7 of the EA.

### **Soil and Watershed Resources**

The watershed assessment and roads analysis identified watershed health as a concern. Specific findings of the assessment include unacceptable effects on long-term soil productivity and stream health from erosion and sedimentation due to lack of road maintenance, use during wet periods, inadequate or lack of road design, and road length extension by forest users.

### **Transportation System/Economics**

The roads analysis identified issues with the transportation system. The road system consists of a mixture of FSRs and unclassified roads. A number of roads are in poor condition and would need reconstruction (*e.g.*, drainage, clearing, and surface work) to improve their condition in order to remain on, or to be placed on, the system. Many roads are of inadequate design and maintenance, which produce environmental and public safety issues. Road maintenance funding levels are inadequate to maintain or reconstruct many roads to standard.

### **Recreation and Human Uses**

Accessibility was one of the more frequently mentioned concerns voiced by the public. Many are concerned with public access for motorized recreation, hunting, camping, fuelwood gathering, and other multi-use recreation by all segments of the population. Some comments noted that the roads allow for the rapid removal of harvested big game, which reduces the chances for human/predator interactions.

There is a desire to establish designated motorized trails. The roads analysis noted increases in motorized vehicle use, particularly all-terrain vehicles (ATVs). Concerns of whether the existing system is adequate to meet anticipated recreation uses and levels were also identified.

The watershed assessment and roads analysis identified that two existing trailheads are inaccessible during wet periods.

## **Finding of No Significant Impact**

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Based on my review of the information and analysis in the Horse Creek Watershed Improvement Project EA and the project file, I have determined that Alternative 3 (with the modifications) as identified in this decision notice is not a major federal action that would significantly affect the quality of the human environment; therefore, an environmental impact statement is not needed (40 CFR 1508.27). This finding of no significant impact is based on the following.

### **Context**

The effects of Alternative 3 (with the modifications) are localized, with implication for only the immediate area. The cumulative effects analysis of past and future activities along with the

current proposal is discussed in the EA. These effects were considered in my determination. Alternative 3 (with the modifications) is consistent with the direction, standards, and guidelines outline in the Shoshone Forest Plan, as amended.

## **Intensity**

The intensity of activities in the selected alternative is outlined below:

**1. *Impacts that may be both beneficial and adverse***

I considered beneficial and adverse impacts associated with the alternatives as presented in Chapter 3 of the EA. These impacts are within the range of effects identified in the Forest Plan. The overall impact of the selected alternative will be beneficial, with no significant adverse impacts. Impacts from Alternative 3 (with the modifications) are not unique to the Horse Creek Watershed Improvement Project. Previous projects involving similar activities have had non-significant effects. On this basis, I conclude that the direct, indirect, and cumulative effects of Alternative 3 (with the modifications) are not significant.

**2. *The degree to which the proposed action affects public health or safety***

I have considered the effects of this project on public safety and health and have determined that Alternative 3 (with the modifications) will have no significant effects. Mitigation is included to reduce the importation of noxious weeds, protect any nearby nesting raptors, reduce the disturbance on wildlife from the activities, incorporate watershed conservation practices, protect the road beds from excessive damage, attempt to blend the work into the surrounding landscape, and protect any cultural sites discovered during the project work (EA, section 2.2.4). No other effects on public health or safety are expected.

**3. *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas***

A portion of the project area falls within an inventoried roadless area. The EA includes a discussion on the existing conditions and effects to that area (section 3.8.1). There would not be any road construction, only decommissioning so the project would not in any way impair the roadless characteristics of the area. There are also some riparian areas, wetlands, and floodplains that would be impacted (EA section 3.3). The impacts would be short-term and only be done to enhance or restore the characteristics of that area. As shown in the EA (section 3.9) there will not be any impacts to cultural resources by the chosen alternative.

**4. *The degree to which the effects on the quality of the human environment are likely to be highly controversial***

The anticipated effects associated with the implementation of Alternative 3 (with the modifications) are disclosed in the EA, Chapter 3. The basic data and relationships are sufficiently well established in the respective sciences for me to make a reasoned choice between the alternatives, and to adequately assess and disclose the possible adverse environmental consequences. The environmental effects from the treatments are well understood.

**5. *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks***

Alternative 3 (with the modifications) is similar to many past actions on the Shoshone National Forest. Based on the results of past actions and technical and professional insight and experience, I am confident that we adequately understand the effects of the road decommissioning and trailhead relocation on the human environment. There are no

unique or unusual characteristics about the area or selected alternative that would indicate an unknown risk to the human environment (EA, Chapter 3).

**6. *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about future considerations***

The project is similar to other road decommissioning and trailhead location projects that have occurred on the Forest. These actions do not set a precedent.

**7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts***

The effects from the road work, when combined other past, present, and reasonably foreseeable future activities are not expected to have any significant cumulative effects. The selected alternative will have minor specific cumulative effects when added to the existing conditions. I looked at the potential cumulative effects discussion in the EA (section 3.11) and found that the cumulative effects would not be significant.

**8. *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources***

The proposal meets laws for protection of heritage resources. As described in the EA (section 3.9) heritage resources have been identified within the analysis area and will not be affected by proposed activities.

**9. *The degree to which the action may adversely affect an endangered or threatened species or its habitat that have been determined to be critical under the Endangered Species Act of 1973***

The Biological Assessment prepared for this project describes the findings for threatened and endangered species. That analysis is incorporated into the EA (section 3.5.1). The determinations from the BA are that there would be “no effect” on the grizzly bear or lynx and “no jeopardy” on the wolf.

**10. *Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment***

The proposal meets federal, state, and local laws on water quality, heritage resources, and threatened and endangered species. It meets National Forest Management Act requirements, and National Environmental Policy Act disclosure requirements.

## **Findings Required by Other Laws and Regulations**

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The decision to implement Alternative 3 (with the modifications) is consistent with the intent of the Forest Plan’s long-term goals and objectives referenced in the EA (sections 1.3 and 1.4). The project is designed in conformance with Forest Plan standards and guidelines, many of which are referenced in the EA (section 1.4.1).

The selected alternative and analysis are also consistent with laws and regulations on forest management practices (EA, section 1.4.1), water quality (section 3.1), endangered species (section 3.5.1), heritage resources (section 3.9), environmental justice (Appendix D), inventoried roadless (section 3.8.1), and transportation policy (section 3.7).

## **Administrative Review or Appeal Opportunities**

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Pursuant to 36 CFR 215 this decision can be appealed. Any written appeal must be postmarked or received by the Appeal Deciding Officer within 45 days after the publication of a legal notice in the Dubois Frontier. The publication date of the legal notice in the Dubois Frontier is the only means for calculating the time to file an appeal. Only those organizations or individuals that

submitted substantive comments during the 30-day comment period that started January 26, 2004 may appeal this decision (36 CFR 215.13). Appeals must meet the following content requirements pursuant to 36 CFR 215.14:

(a) It is the appellant's responsibility to provide sufficient project- or activity-specific evidence and rationale, focusing on the decision, to show why the Responsible Official's decision should be reversed (paragraph (b)(6-9)).

(b) The appeal must be filed with the Appeal Deciding Officer (Sec. 215.8) in writing. At a minimum, an appeal must include the following:

- (1) Appellant's name and address (Sec. 215.2), with a telephone number, if available;
- (2) Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the appeal);
- (3) When multiple names are listed on an appeal, identification of the lead appellant (Sec. 215.2) and verification of the identity of the lead appellant upon request;
- (4) The name of the project or activity for which the decision was made, the name of the Responsible Official, and the date of the decision.
- (5) The regulation under which the appeal is being filed, when there is an option to appeal under either this part or part 251, subpart C (Sec. 215.11(d));
- (6) Any specific change(s) in the decision that the appellant seeks and rationale for those changes;
- (7) Any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement;
- (8) Why the appellant believes the Responsible Official's decision failed to consider the substantive comments; and
- (9) How the appellant believes the decision specifically violates law, regulation, or policy.

Send CFR 215 appeals to:

USDA Forest Service, Region 2  
Rocky Mountain Region  
Attn: Appeal Deciding Officer  
U.S. Mail: PO Box 25127  
Lakewood, CO 80225-0127  
Hand delivered: 740 Simms Street  
Golden, CO 80401-4720  
Office Hours: 8:00 am to 4:30 pm MT  
Fax Number: 307-275-5134

Faxed appeals must be followed by hard copy, including all attachments, postmarked on or before the last day of the appeal period.

Appeals may be electronically mailed to: [appeals-rocky-mountain-regional-office@fs.fed.us](mailto:appeals-rocky-mountain-regional-office@fs.fed.us). Electronically submitted appeals must be in one of the following formats: MS Word, Word Perfect, Text, or RTF. Place the project name in the subject line of your message.



### **Implementation Date**

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Pursuant to 36 CFR, Section 215.10(a), if no appeal is filed, implementation of this decision may occur on, but not before, five (5) business days from the close of the appeal filing period. If an appeal is received, implementation may not occur until 15 days following the date of appeal disposition (36 CFR 215.10(b)). The decision will be implemented on or after these times.

### **Contact**

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For additional information concerning this decision, please contact me at P.O. Box 186, Dubois, WY 82513 or at 307-455-2466.

Copies of the EA are available from the Wind River Ranger District office or online at <http://www.fs.fed.us/r2/shoshone/projects/planning/nepa/projectinfo.htm>

/s/ Rick Metzger

4/13/04

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Rick Metzger

Date

District Ranger